

FILED

OCT 17 2003

**CHARLES J. WALSH
J.C.**

IN RE: DIET DRUG LITIGATION

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SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: BERGEN COUNTY
CASE NO. 240 MT

APPLICABLE TO ALL CASES

**ORDER REGARDING
ELECTRONIC SERVICE**

THIS MATTER having been brought before the Court by Anita Hotchkiss, Esq., of Porzio, Bromberg & Newman, P.C., Liaison Counsel for defendants and member of the Technology Committee on behalf of defendants for adoption of procedures for electronic service in this litigation, and good cause having been shown,

IT IS on this 10th day of October, 2003, ORDERED AS FOLLOWS:

1. Plaintiffs' counsel and defense counsel shall utilize Verilaw Technologies, Inc., to provide service of pleadings and other documents and information in this litigation electronically. The information and documents accessible through Verilaw are intended for counsels' private use. All parties, counsel and persons accessing Verilaw are prohibited from providing access to persons or entities who do not have a legitimate, case-related purpose for seeking access to the site. Public access to the Verilaw web site is strictly prohibited. Non-parties may access public court documents by contacting the Superior Court of New Jersey, Bergen County.

2. On the same day that any document (all references to "documents" include exhibits, if any) is filed, the filing party shall send a copy of that document to Verilaw Technologies, Inc., located at 35 Chestnut Drive, Paoli, PA 19301 (<http://www.verilaw.com>) by: (1) electronic transfer; (2) fax transmission; (3) personal delivery; or (4) overnight mail. Documents shall be addressed to Verilaw c/o the "NJ Diet Drug Litigation Service List."

3. Verilaw shall upload all documents in Adobe PDF electronic format onto a secure Internet web site that Verilaw maintains and that the parties are privately funding ("the NJ Diet Drug Service web site"). Timing for posting to the NJ Diet Drug Service web site shall be as follows:

- a. Electronic documents will be posted by Verilaw within one (1) hour of receipt.
- b. Faxed documents will be posted by Verilaw within six (6) business hours of receipt.
- c. Mailed hard copy documents will be posted by Verilaw within twenty-four (24) hours of receipt of the overnight mail package.

Verilaw will identify all documents on its web site with the following information, at a minimum: (a) the name of the filing law firm; (b) the precise title of the document; (c) the case-specific docket number(s) to which the pleading applies, and (d) the date of service. Verilaw shall maintain an index of all documents served in this litigation, which will be searchable and sortable to enable useful access to the documents.

4. Word processing documents transferred to Verilaw via the Internet will not contain visual representations of the filing attorneys' signatures. When submitting word processing documents via the Internet to Verilaw, attorneys should type, in the place where their signature would normally appear, the following: "Original Signature on File with Court."

5. Verilaw personnel will perform all administrative functions to the system, but all additions, deletions, or changes to the service list must first be approved by the Technology

Committee. The service list will identify counsel, along with the parties they represent, who are to receive notification of new documents posted on the Verilaw NJ Diet Drug Service web site.

6. The registered user list will identify all persons who are authorized to access the web site. Only registered users are permitted and able to access the NJ Diet Drug Service web site. Registered users will be limited to authorized court personnel, counsel of record for any party named in a diet drug lawsuit pending before the Hon. Charles J. Walsh, J.S.C., in Bergen County, and the designees of those parties. Verilaw will provide each registered user with a user name and password to access the NJ Diet Drug Service web site. Each counsel's password is to be treated as for "attorney's eyes only," pursuant to any Protective Order that may be agreed upon or issued by the Court ("Protective Order"). Verilaw will also be bound by the terms of the Protective Order.

7. Within one hour of posting any document, Verilaw shall send an e-mail to all appropriate persons on the service list notifying them that the document has been posted. Persons who have selected the alternative daily digest notification option will, in lieu of receiving e-mail notification within one hour, receive one e-mail per day that aggregates all the e-mails sent within the past 24 hours. The e-mail or digest shall contain hypertext link(s) to the document location(s) on the system.

8. Counsel for each party is responsible for providing Verilaw with an accurate e-mail address. The NJ Diet Drug Service web site will be designed so that registered users will be capable of changing, deleting, or adding e-mail addresses.

9. Prior notification and approval by the Court is required before the Court will accept any documents for filing under seal. No documents filed under seal shall be served by electronic service as outlined above until plaintiffs and defendants have agreed upon a

confidential electronic service procedure to be implemented on the NJ Diet Drug Service web site. If the parties cannot agree regarding the electronic service procedure, then the parties will seek the Court's assistance in establishing an acceptable procedure. After a confidential electronic service procedure is established and approved by the Court, Verilaw will notify all parties via e-mail of the procedure for serving sealed documents electronically. After notification by Verilaw, any party that files a document under seal shall abide by the confidential service procedure.

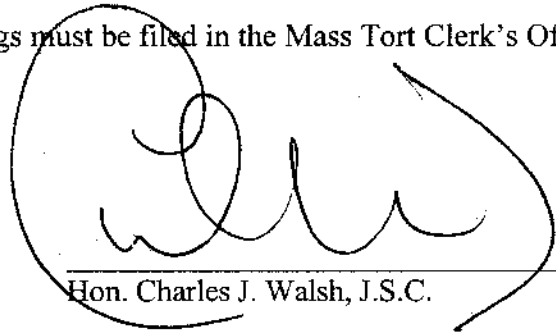
10. Once the confidential service procedure is implemented, any party that files a document under seal shall clearly identify the document in its description and on the caption page in bold letters "Filed Under Seal." Parties filing documents under seal shall provide Verilaw with both redacted and unredacted copies, in accordance with any Protective Order. Redacted copies shall be posted on the web site and be accessible by any registered user. Unredacted copies shall be posted on the web site pursuant to the confidential service procedure and shall be accessible only by appropriate users. If a dispute arises about sealed documents, the parties may seek the assistance of the Court.

11. Any document filed in accordance with the confidential service procedure shall certify in the Certificate of Service that a true and correct copy was delivered to all appropriate counsel of record by electronic service pursuant to this Order.

12. Complaints must be served in accordance with New Jersey Court Rule 4:4-4 and New Jersey Court Rule 4:4-5. Complaints shall nevertheless be posted on Verilaw, although such posting shall not constitute service under New Jersey Court Rule 4:4-4 and New Jersey Court Rule 4:4-5. Any other document served pursuant to this Order shall be deemed to be served by mail under New Jersey Court Rule 1:5-2. The posting of motion papers by Verilaw

shall, within the meaning of New Jersey Court Rule 1:6-3, constitute receipt at the office of adverse counsel or at the address of a pro se party. The posting of papers by Verilaw shall be presumed to occur within the time frame set forth in paragraph 3. Certificates of service shall state the date that a document was submitted to Verilaw, the means of transmission (e.g., electronic submission, overnight mail, etc.), and the time in which Verilaw is required to post it under paragraph 3 above.

13. Nothing in this Order shall relieve any party from the filing obligations imposed by the New Jersey Rules of Court. All pleadings must be filed in the Mass Tort Clerk's Office in the usual course.

A handwritten signature in black ink, consisting of a large, stylized 'C' followed by several loops and a long horizontal stroke extending to the right. The signature is written over a horizontal line.

Hon. Charles J. Walsh, J.S.C.